

**DISTRICT OF COLUMBIA
BOARD OF EDUCATION**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, Section 38-101 et seq., hereby gives notice of emergency and proposed rulemaking action taken by the Board at its meeting on April 16, 2003 to amend Chapter 22 of the Board Rules, Title 5 of the District of Columbia Municipal Regulations. The purpose of this rulemaking is to suspend the high school graduation exit exam requirement for school year 2002-2003 until the Board can adopt a rigorous, criterion-referenced examination that is consistent with the requirements of Public Law 107-110 (No Child Left Behind).

The emergency results from the need to ensure that seniors graduating in 2003 are not penalized unfairly by a graduation requirement that will be inconsistent with requirements imposed on previous and subsequent classes and to enable the Board to establish an examination that is consistent with the requirements of federal legislation.

The emergency and proposed rulemaking shall expire within 120 days of April 16, 2003, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Board also gives notice of its intent to adopt these emergency and proposed rules in not less than thirty (30) days following publication of this notice in the D.C. Register.

Chapter 22 is amended as follows:

Subsection 2202.1(b) is deleted in its entirety:

~~Beginning in school year 2002-2003, achievement of the "basic" level or higher in reading and mathematics on the eleventh grade (Stanford 9) exam or passage of the District Second Level Proficiency Exam (DSLPE)~~

Subsection 2202.1(c) is renumbered as 2202.1 (b).

Written comments on the emergency and proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Secretary, D.C. Board of Education, 825 North Capitol Street, N.E., Suite

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Human Services ("DHS"), pursuant to the authority set forth in Section 2 of the Interim Disability Assistance Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-252; D.C. Official Code § 4-204.07) as amended by Section 2(b) of the Interim Disability Assistance Emergency Amendment Act of 2003 ("2003 Act"), effective January 22, 2003 (D.C. Act 15-2; 50 DCR 1424) and Mayor's Order 2002-152, dated August 29, 2002 hereby gives notice of intent to adopt on an emergency basis the following new Chapter 66 of Title 29 of the District of Columbia Municipal Regulations entitled "Interim Disability Assistance." The purpose of the rules is to establish guidelines for the Interim Disability Assistance (IDA) program that provides interim assistance to applicants who have applied for Supplemental Security Income (SSI) and are awaiting a determination.

This emergency action is required to comply with the requirements of the Act, which authorizes the Mayor to establish standards for processing applications for interim assistance. The SSI program is a Federal program, which is administered by the Social Security Administration. The SSI program provides that where a State grants interim assistance to applicants awaiting SSI benefits rulings who are later determined to be entitled retroactively to such benefits, the State may be reimbursed from the eventual Federal payment of SSI for the amounts of State paid interim assistance during the application period. (42 U.S.C. § 1383(b)). To accomplish this protection against what would otherwise constitute double payments, the State must enter an agreement with the Social Security Administration to make payments to the State or its political subdivision as reimbursement for the paid interim assistance. When an applicant is found eligible for SSI benefits, the initial retroactive check is sent to the State. When the Federal check is greater than the amount of the State interim assistance paid to the recipient, the State pays the balance of such payment in excess of the reimbursable amount to the recipient. The interim assistance program provides an eligible SSI recipient a means of support during the frequently extended Federal application review process, which sometimes can extend over several years.

Action was previously taken to adopt the emergency rules at a time when DHS had rulemaking authority pursuant to the "Interim Disability Assistance Temporary Amendment Act of 2002" ("2002 Act"), effective May 21, 2002 (D.C. Law 14-141; D.C. Official Code § 4-204.07). However, the agency's rulemaking authority for the 2002 Act expired on January 1, 2003. Consequently, the rules could not be published until the 2003 Act became effective on January 22, 2003.

This emergency rule was adopted on March 16, 2003, and became effective immediately upon that date. The emergency rule will expire 120 days after the effective date, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 29 DCMR is amended by adding the following new Chapter 66.

CHAPTER 66 INTERIM DISABILITY ASSISTANCE

6600 PURPOSE

- 6600.1 The Interim Disability Assistance (IDA) Program shall provide temporary financial assistance to disabled adults who are ineligible for Temporary Assistance for Needy Families (TANF) and who have applied for and are waiting approval of Supplemental Security Income (SSI). Approval of IDA shall be contingent on the availability of funds.
- 6600.2 If funds are exhausted at the time the individual is determined to meet all of the eligibility requirements, he or she shall be placed on a waiting list and approved when funds become available.
- 6600.3 The application processes shall be administered in accordance with the rules applicable to the Medicaid Program.
- 6600.4 The monthly grant shall be the same as that for a family size of one (1) or two (2) under the TANF Program as set forth in section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52(c)), as amended.

6601 ELIGIBILITY REQUIREMENTS

- 6601.1 An individual shall be eligible for IDA if he or she is:
- (a) A United States citizen; or
 - (b) An alien who meets the alien eligibility requirements for SSI under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2260; 8 U.S.C. §§ 1601-1646);
 - (c) A resident of the District of Columbia, as determined under § 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.3);
 - (d) Financially in need, meets the following income and asset limits, and financial eligibility is verified:
 - (1) There is no gross income limit for the household. The household's net income is at least ten dollars (\$10) less than that the TANF payment level for a family of the same size;

- (2) No earned income or unearned income deductions are allowed, when calculating a household's countable income. Income is deducted dollar-for-dollar from the payment level to determine the household's financial eligibility and benefit amount;
 - (3) The income of a spouse who lives with the applicant and is not included in the IDA household is deemed using the following formula: total income of non-IDA spouse minus TANF payment level for one (1) person equals net income;
 - (4) The one (1) person household asset limit is two thousand dollars (\$2,000);
 - (5) The two (2) person household asset limit is three thousand dollars (\$3,000); and
 - (6) All liquid and non-liquid resources are countable for the purpose of determining IDA eligibility, except those excluded for SSI under Title 16, Section 1613 of the Social Security Act;
- (e) Ineligible for a category of cash assistance in which there is federal financial participation, except that an individual who has applied for Social Security Disability Insurance (SSDI) or SSI may be eligible during the period that the SSDI or SSI application is being processed; and
- (f) Determined by the Department of Human Services (Department) to meet the definition of disability.
- 6601.2 For the purposes of this section, except as indicated, income means both earned and unearned income as defined for the SSI program in Title 16, Section 1612 of the Social Security Act. In addition, regular and presumptive SSI payments shall be counted and in-kind maintenance and support benefits shall be excluded when determining IDA eligibility.
- 6601 .3 An individual may not receive assistance unless he or she does the following:
- (a) Applies to the Social Security Administration (SSA) for SSI benefits;
 - (b) Signs an Interim Assistance Reimbursement Authorization form;
 - (c) Provides a social security number or verification of application for a social security number; and

- (d) Cooperates with the Disability Entitlement Advocacy Program, which includes:
 - (1) Providing materials needed to pursue the SSI application such as medical reports;
 - (2) Keeping appointments with medical providers;
 - (3) Keeping appointment with his or her disability advocate;
 - (4) Keeping appointments with SSA and its representatives; and
 - (5) Participating in treatment programs, as required.

6601.4 Failure to cooperate with the Disability Entitlement Advocacy Program or the case manager may result in termination of IDA benefits, unless a good cause reason can be established for non-cooperation.

6601.5 Good cause for non-cooperation with case management shall include circumstances that are beyond the recipient's control such as, but not limited to, the following:

- (a) Personal illness;
- (b) Illness of another household member that requires the presence or care of the recipient; and
- (c) A household emergency such as a death in the family.

6602 APPLICATION PROCESS

6602.1 A qualified individual's eligibility for IDA benefits shall begin on the first of the month following the month that he or she applied for IDA or the month following the month in which his or her application for SSI was filed with the Social Security Administration (SSA), whichever is later.

6602.2 Each individual shall have the right to file an application for IDA on the same day that he or she contacts the Income Maintenance Administration (IMA).

6602.3 Each application for IDA shall be submitted in person by the applicant or his or her authorized representative at an IMA designated service center, using the Combined Application that is used to apply for multiple programs. The application shall be considered filed when it is on the prescribed form, contains a name and an address, unless the person is homeless, has a signature and a face-to-face interview is completed.

